

### **REMARKS**

The Official Action dated December 25, 2008 has been carefully considered. Accordingly, the present Amendment is believed sufficient to place this application in condition for allowance. Reconsideration is respectfully requested.

By the present amendment, claims 1, 16, 17, 19, 24 and 25 are cancelled, and claims 26-32 are presented. Claims 26-31 contain limitations from previous claims 1, 16, 17, 19, 24 and 25, respectively. Claim 32 contains limitations from previous claims 1, 15 and 22. Claims 2-6, 8, 10-15, 18 and 20-23 are amended for dependency and clarity. Accordingly, it is believed that these changes do not involve any introduction of new matter. Entry is therefore believed to be in order and is respectfully requested.

In the Official Action, claims 4, 10, 15 and 17 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner asserted that the phrases employed in these claims are unclear.

This rejection is traversed and reconsideration is respectfully requested. Applicant submits that the claims as presented herein are definite in accordance with the requirements of 35 U.S.C. §112, second paragraph. More particularly, claim 4 recites that the material assembly is adapted in the non-compacted state to provide air access to a developed seat of fire for a combustion-enhancing supply of oxygen. Claim 10 recites that the thin plastic strip consists of plastic material which is converted to carbon dioxide and water during a combustion. As disclosed at page 16, lines 15-16, the plastic strip 10" is formed of polyethylene and as disclosed at page 17, the plastic strip 10" consists of a plastic material forming carbon dioxide and water during a combustion at a free access of air. One of ordinary skill in the art will therefore

appreciate that polyethylene is an example of a plastic material forming carbon dioxide and water during a combustion at a free access of air. Claim 15 recites that the strips are so tightly wound up to a roll and so compactly contained that in the wound form the material assembly can resist alighting by a fire coming from outside. One of ordinary skill in the art will appreciate that the tight winding to a compact form substantially limits oxygen access, whereby, in the wound form, the material assembly can resist lighting. Finally, claim 28, which contains limitations from claim 17, recites a package comprising therein a plurality of material assemblies according to claim 26, and omits reference to units. Accordingly, claims 4, 10, 15 and 28 are definite in accordance with the requirements of 35 U.S.C. §112, second paragraph, and the rejection is overcome. Reconsideration is respectfully requested.

Claims 1-5, 8, 9, 11-14 and 21-23 were rejected under 35 U.S.C. §103(a) as obvious and unpatentable over the Ludde U.S. Patent No. 525,912 in view of the May U.S. Patent No. 4,751,122. The Examiner relied on Ludde as teaching a fire kindler comprising a closely-wound spiral foundation strip of combustible material such as paper which is coated with a mixture of hydrocarbons and a layer of sawdust, and the Examiner relied on May as teaching a preformed structure comprising a paper substrate with a polyethylene plastic layer. The Examiner asserted that it would have been obvious to include a layer of polyethylene as taught by May in place of the sawdust employed by Ludde. The Examiner further relied on the Sullivan U.S. Patent No. 6,136,053, in combination with Ludde and May, to reject claims 16, 17 and 24 as obvious under 35 U.S.C. §103(a), on the Kaplan et al U.S. Patent No. 2,707,581, in combination with Ludde, May and Sullivan, to reject claims 6 and 7 as obvious under 35 U.S.C. §103(a), the Kunkle U.S. Patent No. 2,974,377, in combination with Ludde to reject claim 18 as obvious under 35 U.S.C.

§103(a), and the Cote U.S. Patent No. 3,155,273, in combination with Ludde, May and Sullivan, to reject claims 19, 20 and 25 as obvious under 35 U.S.C. §103(a).

These rejections are traversed and reconsideration is respectfully requested. More particularly, as defined by independent claims 26 and 32, the invention is directed to an inflammable, single-service lighting strip material assembly. The material assembly is in the form of a roll comprising two thin, elongate and coordinated strips, wound to form a compact helical shape, wherein one of the two strips comprises a thin paper strip and the other of the two strips comprises a thin plastic strip, wherein the coordinated strips are adapted to unwind to a non-compacted state of the material assembly adapted for lighting, and wherein, upon lighting of the material assembly in the non-compacted state, the material assembly is operable to provide an initial combustion with a generated amount of energy adapted for a subsequent secondary combustion for a lighting therefrom of an adjoining inflammable material. Claim 32 further specifies that the material assembly includes a tab extending outside the compact helical shape and the material assembly in the compact helical shape is operable to resist lighting by an outside fire.

In contrast to the claimed material assemblies, Ludde discloses a long web or strip of rolled paper rolled into a compact form and provided with an ignition strip C to produce a substantially solid fire kindler (see lines 47-58). However, Ludde does not disclose that the roll is adapted to be unwound to a non-compact form for lighting. In fact, Ludde teaches away from a material assembly which is adapted to unwind to a non-compacted state adapted for lighting as presently claimed in that Ludde discloses that the ignition strip is more firmly held in position by packing the center convolution of the kindler with a saw-dust filling (see lines 58-61). It is error

to find obviousness where references diverge from and teach away from the present invention, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Thus, Ludde does not render the presently claimed material assemblies obvious.

Ludde further fails to teach a roll formed of two thin elongate strips. To the contrary, Ludde employs a coated web to which sawdust is applied. Ludde does not teach two strips, particularly of thin paper and thin plastic.

Moreover, the deficiencies of Ludde are not resolved by May. That is, May discloses a waterproof membrane suitable for positioning between successive layers of concrete. Not only does May fail to provide any teaching or suggestion of materials which are desirably inflammable, preventing proper combination of May's polyethylene sheet with Ludde, May fails to disclose a material assembly which is in a compact helical shape and yet is adapted to unwind to a non-compacted state adapted for lighting as presently claimed. Importantly, May provides no apparent reason for one of ordinary skill in the art to proceed contrary to the teachings of Ludde which aim for a tight, substantially solid roll fire kindler.

While Sullivan discloses an apparatus which may be formed in a plurality of sections, Sullivan fails to disclose a material assembly which is in a compact helical shape and yet is adapted to unwind to a non-compacted state adapted for lighting as presently claimed, and Sullivan provides no apparent reason for one of ordinary skill in the art to proceed contrary to the teachings of Ludde which aim for a tight, substantially solid roll fire kindler.

Kaplan discloses a liquid dispensing container for sauce or syrup. Not only does Kaplan fail to provide any teaching or suggestion of materials which are desirably inflammable, preventing proper combination with Ludde, Kaplan fails to disclose a material assembly which is

in a compact helical shape and yet is adapted to unwind to a non-compacted state adapted for lighting as presently claimed. Kaplan provides no apparent reason for one of ordinary skill in the art to proceed contrary to the teachings of Ludde which aim for a tight, substantially solid roll fire kindler.

Finally, Kunkle discloses a polybutene sealing compound for glazing purposes. Not only does Kunkle fail to provide any teaching or suggestion of materials which are desirably inflammable, preventing proper combination with Ludde, Kunkle fails to disclose a material assembly which is in a compact helical shape and yet is adapted to unwind to a non-compacted state adapted for lighting as presently claimed. Kunkle provides no apparent reason for one of ordinary skill in the art to proceed contrary to the teachings of Ludde which aim for a tight, substantially solid roll fire kindler.

Accordingly, the material assemblies of the present invention are nonobvious over the various cited combinations of references, whereby the rejections under 35 U.S.C. §103 have been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the Official Action and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Please charge any fees required in connection with the present communication, or credit any overpayment, to Deposit Account No. 503915.

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Respectfully submitted,

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